

**THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO
AKRON DIVISION**

In Re:)	Case No.: 19-50025
)	
WILLIAM J. HUET,)	Chapter 13
LISA J. HUET,)	
)	Judge Alan M. Koschik
Debtors.)	
)	<u>FIFTH THIRD BANK'S OBJECTION</u>
)	<u>TO CONFIRMATION OF PLAN</u>
)	(1609 Moreview Drive
)	Copley, Ohio 44321)

Now comes Fifth Third Bank, a secured creditor herein, by and through counsel, and objects to confirmation of this Chapter 13 Plan pursuant to LBR 3015-3, U.S.C. Section 1325(1); (4); (5); and 11 U.S.C. Sections 361 and 365; and based more specifically on the facts set out in the accompanying memorandum, below. Your creditor respectfully requests the Court deny confirmation of the Chapter 13 Plan as proposed.

Respectfully submitted,

MATHEWS & GILL LLP

Date: August 16, 2019

/s/ Alison A. Gill
Alison A. Gill: 0061710
Attorneys for Fifth Third Bank
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MEMORANDUM IN SUPPORT

In support of this Objection to Confirmation of Chapter 13 Plan, Fifth Third Bank hereby represents as follows:

1. On January 8, 2019, the Debtors filed a case under Chapter 7 of the Bankruptcy Code. On June 28, 2019, the Debtors converted to a case under Chapter 13 of the Bankruptcy Code.

2. At the time of filing, Debtors were indebted to Fifth Third Bank by virtue of a Simple Interest Note and Security Agreement and Mortgage (second), attached hereto as Exhibit A and Exhibit B, respectively, on certain real property, located at 1609 Moreview Drive, Copley, Ohio 44321.

3. Debtors' Chapter 13 Plan provides no treatment for Fifth Third Bank's second mortgage.

4. Fifth Third Bank filed a Proof of Claim, attached hereto as Exhibit C, evidencing a secured value of \$36,060.87 at 0%.

5. For these reasons, Fifth Third Bank respectfully objects to confirmation of the Chapter 13 Plan, and requests that this Court deny confirmation of the Chapter 13 Plan.

6. This Objection shall act as a standing and continuing objection to the currently proposed Chapter 13 Plan and any subsequent Plans which the Debtors may file.

Respectfully submitted,

MATHEWS & GILL LLP

Date: August 16, 2019

/s/ Alison A. Gill

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CERTIFICATE OF SERVICE

On August 16, 2019, the following parties were served a true and accurate copy of the foregoing:

ELECTRONICALLY:

Keith Rucinski, Trustee, at efilings@ch13akron.com and krucinski@ch13akron.com

The Cleveland, Ohio Office of the United States Trustee, on behalf of Daniel M. McDermott, at the US Trustee's registered mailbox with the Electronic Filing System (USTP.Region09@usdoj.gov)

Rebecca J. Sremack & William M. Sremack, Attorney for Debtors, at Rebecca@sremacklaw.com and bill@sremacklaw.com

ORDINARY MAIL:

William & Lisa Huet
1609 Moreview Drive
Akron, OH 44321

Date: August 16, 2019

/s/ Alison A. Gill

Alison A. Gill: 0061710

MATHEWS & GILL LLP

Attorneys for Fifth Third Bank